IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Fred C. LEE et al.	Group Art Unit: 2821
Appln. No.	: 10/553,846 (U.S. National Stage of PCT/US2004/010963)	Examiner: Tuyet .T. Vo
I.A. Filed	: April 22, 2004	Confirmation No. 6285
For	: DISCHARGE LAMP LIGHTING CONTROL DEVICE	

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

ELECTION

In response to the Examiner's restriction requirement of February 16, 2007, setting forth a thirty-one (31) day shortened statutory period for responding thereto, Applicants elect, with traverse, the species identified by the Examiner as Species 1. Claims 1-25 are "readable" on the elected species.

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement. In this regard, in addition to the arguments presented below as to why the restriction requirement is inappropriate and should be withdrawn, Applicants submit that the present application is a U.S. National Stage Application filed under 35 U.S.C. §371, and thus, unity of invention practice, and not restriction practice, governs in this application.

The standard by which the U.S. Patent and Trademark Office guides Examiners in requiring restriction under 35 U.S.C. §121 is set forth in M.P.E.P. Chapter 800. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that it would appear that the search for the inventions identified by the Examiner are coextensive. Therefore, when the Examiner performs a search for Species I (e.g., claims 1-25), it would not be a serious burden to continue the examination of the remaining species in this application. For example, elected Species I and non-elected Species II are directed to a discharge lamp lighting device that include a power factor improving power converter, a polarity reversing circuit, a starter and a controller, while non-elected Species III defines the power factor improving power converter used in elected Species I and non-elected Species II. Applicants thus submit that it would not be a serious burden, to additionally search the claims of non-elected Species II and III (which are only two claims) when examining the claims of elected Species I.

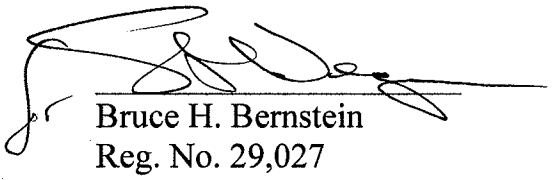
Therefore, due to an apparent lack of a serious burden, as recognized in M.P.E.P. 803 as being a prerequisite to a proper restriction requirement, and due to the fact that the Office action fails to even address the issue of a serious burden, Applicants respectfully request that the restriction requirement be withdrawn.

More importantly, Applicants submit that the present application is a U.S. National Stage Application submitted under 35 U.S.C. §371. Accordingly, Applicants

submit that unity of invention practice, and not the currently applied restriction practice, is applicable in the present application (see, for example, M.P.E.P. §1893.03(d)). Thus, Applicants submit that it is erroneous of the Examiner to apply U.S. restriction practice to a 371 National Stage Application, and respectfully requests that the restriction requirement be withdrawn.

For all of the foregoing reasons, Applicants respectfully request the restriction requirement be reconsidered and withdrawn. Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Fred C. LEE et al.



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March 15, 2007
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